

**STATE OF CALIFORNIA  
DECISION OF THE  
PUBLIC EMPLOYMENT RELATIONS BOARD**

CALIFORNIA STATE EMPLOYEES  
ASSOCIATION, LOCAL 1000, SEIU, AFL-CIO,  
CLC,

Charging Party,

v.

STATE OF CALIFORNIA (DEPARTMENT OF  
YOUTH AUTHORITY),

Respondent.

Case No. SA-CE-1294-S

PERB Decision No. 1483-S

June 6, 2002

Appearances: Bill Kelly, Senior Labor Relations Representative, for California State Employees Association, Local 1000, SEIU, AFL-CIO, CLC; State of California (Department of Personnel Administration) by Barrett W. McInerney, Labor Relations Counsel, for State of California (Department of Youth Authority).

Before Baker, Whitehead and Neima, Members.

DECISION

BAKER, Member: This case is before the Public Employment Relations Board (PERB or Board) on appeal by the California State Employees Association, Local 1000, SEIU, AFL-CIO, CLC of a Board agent's dismissal of its unfair practice charge. The charge alleged that the State of California (Department of Youth Authority) violated the Ralph C. Dills Act (Dills Act)<sup>1</sup> by failing to bargain over the decision and impact of changes in teacher assignments.

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<sup>1</sup>The Dills Act is codified at Government Code section 3512 et seq.

After review of the entire record in this matter, the Board reverses the Board agent's dismissal and remands the case to the PERB General Counsel's office for further investigation and processing consistent with this decision.

#### DISCUSSION

The Board agent dismissed the charge on the ground that the charge must be deferred to the grievance arbitration machinery contained in the parties' collective bargaining agreement in accordance with the Board's precedent in Lake Elsinore School District (1987) PERB Decision No. 646 (Lake Elsinore).

As the Board has recently decided State of California (Department of Food and Agriculture) (2002) PERB Decision No. 1473-S (Food and Agriculture), which overruled Lake Elsinore, it is necessary to remand the case to the General Counsel's office for further processing consistent with the Board's decision in Food and Agriculture.

#### ORDER

The Board REVERSES the Board agent's dismissal of the unfair practice charge in Case No. SA-CE-1294-S and REMANDS the case to the PERB General Counsel's office for further processing consistent with this decision.

Members Whitehead and Neima joined in this Decision.